



1 against Ethos Technology, Inc. d/b/a Ethos Life (hereinafter referred to as “Ethos”  
2 or “Defendant”) for violations of the Telephone Consumer Protection Act  
3 (“TCPA”), 47 U.S.C. § 227 *et seq.* In support of this Complaint, Plaintiff asserts  
4 as follows:

5  
6 **BACKGROUND:**  
7 **TELEMARKETING AND THE TCPA**

8 1. In 1991, Congress enacted the Telephone Consumer Protection Act  
9 (“TCPA”) to protect consumers’ privacy rights, namely, the right to be left alone  
10 from unwanted telemarketing calls. A leading sponsor of the TCPA described  
11 unwanted telemarketing calls as the “scourge of modern civilization.” 137 Cong.  
12 Rec. 30821 (1991).

14 2. The TCPA also affords special protections for people who registered  
15 their phone numbers on the National Do Not Call Registry and nonetheless  
16 received telemarketing calls for which they did not expressly consent.

18 3. In 2019, the FTC received over 5.4 million complaints from US  
19 residents about unwanted calls. FTC: *What Do Not Call Complaints are telling us*  
20 (Oct. 17, 2019), available at [https://www.consumer.ftc.gov/blog/2019/10/what-](https://www.consumer.ftc.gov/blog/2019/10/what-do-not-call-complaints-are-telling-us)  
21 [do-not-call-complaints-are-telling-us](https://www.consumer.ftc.gov/blog/2019/10/what-do-not-call-complaints-are-telling-us).

23 4. The private right of enforcement of the TCPA is critical to stopping  
24 the proliferation of these unwanted telemarketing calls. For example, while the  
25 Federal Communications Commission levied over \$200 million in penalties

1 against telemarketers between 2015 and 2018, it collected less than \$7,000 of that  
2 amount. See Sarah Krouse, *The FCC Has Fined Robocallers \$208 Million. It's*  
3 *Collected \$6,790*, THE WALL STREET JOURNAL, (March 28, 2019) available  
4 at: [https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-](https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790-11553770803)  
5 [collected-6-790-11553770803](https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790-11553770803).  
6

## 7 THE PARTIES

8 5. Pinn is a natural person and adult, who at all times relevant hereto,  
9 resided in Irving, Texas 75039.  
10

11 6. Ethos is a life insurance company that, *inter alia*, sell its insurance  
12 policies remotely to prospective consumers.

13 7. Ethos maintains its principal place of business, head office, or  
14 otherwise valid mailing address at 460 Bryant St., FL. 3, San Francisco California  
15 94107.  
16

17 8. At all times relevant hereto, Defendant acted through its agent  
18 employees, vendors and representatives, including Junaid Syed.  
19

20 9. Plaintiff brings this Action in her individual capacity and on behalf of  
21 all other persons on who registered their residential phone numbers<sup>1</sup> on the Do  
22 Not Call registry seeking damages and any other available legal or equitable  
23

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24  
25 <sup>1</sup> Both a wireline and wireless phone registered on the do-not-call registry is presumed to be  
“residential.” *Chennette v. Porch.Com, Inc.*, 50 F.4th 1217 (9th Cir. 2022).

1 remedies resulting from the unlawful calls or messages from Junaid Syed of Ethos  
2 Technologies Inc. within the last four years of filing this complaint and all other  
3 unlawful actions of Defendant in negligently, knowingly, and/or willfully  
4 contacting Plaintiff and other Class member on their cellular telephone in  
5 violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227  
6 *et seq.* and related regulations specifically the National Do-Not-Call provisions.  
7

### 8 **JURISDICTION AND VENUE**

9  
10 10. This Court has original subject matter jurisdiction over this matter  
11 pursuant to 28 U.S.C. § 1331, which grants this Court original jurisdiction of all  
12 civil actions arising under the laws of the United States.

13  
14 11. Furthermore, this Court has subject matter jurisdiction pursuant to 28  
15 U.S.C. § 1332(d)(2)(A), because this case is a class action where the aggregate  
16 claims of all members of the proposed Class are in excess of \$5,000,000.00,  
17 exclusive of interests and costs.

18  
19 12. This Court has personal jurisdiction over Defendant, as it maintains  
20 its headquarters in the State of California.

21  
22 13. Furthermore, Defendant does business and maintains its headquarters  
23 within this District.

24  
25 14. Accordingly, personal jurisdiction exists and this venue is proper  
pursuant to 28 U.S.C. §1391(b)(1).

1  
2  
3 **FACTUAL BACKGROUND**  
4

5 15. At all times relevant hereto, Pinn was the owner of a cell phone, the  
6 number for which was (817) XXX-2161.

7 16. The aforementioned cell phone was used by Pinn for primarily  
8 residential purposes, such as speaking with friends and family.  
9

10 17. The subject phone was registered to Pinn personally, and not to a  
11 business.

12 18. Pinn pays her cell phone bill each month without contribution from  
13 her employer.  
14

15 19. Pinn registered her phone number on the National Do Not Call  
16 Registry on February 09, 2009 in order to obtain solitude from invasive and  
17 irritating solicitation calls.

18 20. For purposes of background, Pinn is in her 40's and has never been  
19 in the market for "final expense" insurance or shopping for funeral related  
20 services.  
21

22 21. Ms. Pinn began receiving calls on behalf of Ethos beginning in or  
23 around October 2022, which were made for the purpose of soliciting "final  
24 expense" benefits plans for funerals.  
25

22. At no point did Ms. Pinn express interest in procuring “final expense” insurance prior to the telemarketing campaign.

23. Each of those calls began with a party describing “senior benefits”.

24. Having become wise to the opaque nature of the telemarketing industry, Pinn has learned the only way to ascertain the true identities of telemarketers is to feign interest in the products or services being sold.

25. After receiving many calls for “senior benefits” in the Fall of 2022, in order to ascertain the identity/identities of the calling party/parties, Pinn stayed on the line and feigned interest in Ethos’ services, despite the morbid nature of what was being sold (burial insurance).

<b>Date/time</b>	<b>Caller ID:</b>
October 28, 2022 at 4:37 pm CST	726-201-0897
October 28, 2022 at 4:54 pm CST	737-284-0966
November 1, 2022 at 7:57 pm CST	817-557-6156
November 2, 2022 at 6:35 pm CST	601-514-7945

26. During the calls on October 28, 2022, the calling party stated he was offering “senior benefits” and asked about Pinn’s interest in burial insurance. When the calling party declined to identify the proper corporate name of his employer, Pinn told him not to call back.

1           27. Nonetheless, on November 1, 2022, Pinn received another call  
2 offering “senior benefits” such as burial insurance. The pitch of the services was  
3 almost identical to the prior “senior benefit” calls on October 28, 2022.

4           28. Rather than another futile request for Defendant to identify itself,  
5 Pinn stayed on the line and feigned interest in the burial insurance and other  
6 “senior benefit” plans being offered.

7           29. Pinn was then transferred to another agent working for Defendant.

8           30. The agent for the calling party disclosed his name was Junaid Syed,  
9 working for Ethos Life Insurance. Pinn then received a confirming email from  
10 Junaid Syed of Ethos. Mr. Syed’s confirming email from his Ethos account,  
11 [agents@ethoslife.com](mailto:agents@ethoslife.com). A copied image from that email is below:  
12

13           From: **Junaid Syed via Ethos Life**  
14           <[agents@ethoslife.com](mailto:agents@ethoslife.com)> Date: Tue, Nov 1, 2022 at  
15           8:06 PM  
16           Subject: Your life insurance quote from  
17           Ethos To: <[kelchel516@gmail.com](mailto:kelchel516@gmail.com)>  
18  
19  
20  
21  
22  
23  
24  
25

ETHOS  
ETHOS

## Ethos has partnered with Ethos toprotect the ones you love.

Junaid Syed has invited you to apply with Ethos to protect you and your family. Based on the information provided, the following coverage optionwas created to fit your needs.

31. On November 2, 2022, Ethos called Pinn again.

32. Briefly after the call began, however, the Ethos agent informed Pinn he realized she had already spoken with Junaid Syed.

33. Accordingly, it is clear Ethos had record of the call the day before in its computer system.

34. Defendant's telephone calls were not made for "emergency purposes" but for telemarketing purposes.

35. Each call was made for the purpose of soliciting senior benefit insurance policies.

36. None of the calls were made with express written consent or an established business relationship.



1           37. Plaintiff found Defendant's repeated calls annoying, frustrating,  
2 upsetting, harassing, and an invasion of her privacy.

### 3 4                                   **Class Allegations**

5           38. Pursuant to Fed. R. Civ. P. 23, Plaintiff brings this lawsuit as a class  
6 action on behalf of herself and all others similarly situated who registered their  
7 phone numbers on the Do Not Call registry and received unlawful calls from  
8 Ethos Technologies Inc. within the last four years of filing this complaint.

9  
10          39. This action satisfies the requirements of numerosity, commonality,  
11 typicality, and adequacy of representation. commonality, typicality, and adequacy  
12 of representation.

13  
14          40. Accordingly, Defendant placed a high volume of calls to numbers  
15 listed on the Do Not Call Registry without consent or an existing business  
16 relationship.

17  
18          41. Plaintiff seeks to represent the following classes:

19               **227(c) Class:** For the period from four years prior to the  
20 filing of this suit until the date a class is certified, all  
21 persons in the United States who: (1) subscribe to cellular  
22 telephones; (2) received more than one telephone call or  
23 text message from during a 12-month period; and (3) whose  
24 phone numbers were listed on the Do Not Call Registry for  
25 more than 31 days at the time the calls were received.

1           42. Plaintiff reserves the right to add administrative subclasses, or to  
2 amend the definition of the proposed class, during the lawsuit proceedings.

3           43. The members of the proposed classes are so numerous that joinder of  
4 all members is impracticable. Plaintiff reasonably believes that hundreds or  
5 thousands of people have been harmed by Defendant's actions. The names and  
6 phone numbers of the members of the proposed class are readily identifiable  
7 through records available to Defendant.  
8

9           44. Most members of the proposed class have suffered damages in an  
10 amount such that it would make filing separate lawsuits by individual members  
11 economically infeasible.  
12

13           45. Common questions of law and fact exist as to all members of the  
14 proposed class and predominate over any questions affecting only individual  
15 members. The questions of law and fact common to the proposed class include,  
16 but are not limited to, whether Defendant's agents called phone numbers that were  
17 registered on the Do Not Call Registry and whether such calls violate the TCPA.  
18

19           46. Plaintiff's claims are typical of the claims of the proposed class  
20 members because their claims arise from the same practice that gives rise to the  
21 claims of the members of the proposed class and is based on the same legal  
22 theories.  
23  
24  
25

1           47. Plaintiff and her counsel will fairly and adequately protect the  
2 interests of the members of the proposed class. Plaintiff's interests do not conflict  
3 with the interests of the proposed class he seeks to represent. Plaintiff has  
4 retained lawyers who are competent and experienced in class action, TCPA  
5 litigation and consumer law. Plaintiff's counsel has the resources to litigate this  
6 class action, and Plaintiff and counsel are aware of their responsibilities to the  
7 putative members of the class and will discharge those duties. Plaintiff reserves  
8 the right to join other unnamed class members into this lawsuit.  
9

10  
11           48. A class action is superior to all individual lawsuits for this  
12 controversy. Joinder of all proposed members of the proposed class in one action  
13 is impracticable if not impossible and prosecuting hundreds or thousands of  
14 individual actions is not feasible. The size of the individual claims is likely not  
15 large enough to justify filing a separate action for each claim. For many, if not  
16 most, members of the proposed class, a class action is the only procedural  
17 mechanism that will allow recovery. Even if members of the proposed class had  
18 the resources to pursue individual litigation, that method would be unduly  
19 burdensome to the courts. Individual litigation could also result in inconsistent  
20 adjudications.  
21

22  
23           49. In contrast to numerous individual claims, a class action is superior  
24 in that it will benefit the court and litigating parties through efficiency, economy  
25

1 of scale and unitary adjudication resulting from supervision of the litigation by a  
2 single court.

3 50. Questions of law and fact, particularly the propriety of calling cell  
4 phone numbers registered on the National Do Not Call Registry, predominate over  
5 questions affecting only individual members.  
6

7 51. Defendant has acted or refused to act in accordance with the relief  
8 sought by these classes, so final injunctive relief or corresponding declaratory  
9 relief is appropriate with respect to the class as a whole.  
10

11 **COUNT I**  
12 **DEFENDANT VIOLATED THE TCPA 47 U.S.C. §227(c)(5)**

13 52. Plaintiff incorporates the forgoing paragraphs as though the same  
14 were set forth at length herein.

15 53. The TCPA provides that it is a violation of the law for a person  
16 whose phone number is registered on the National Do Not Call Registry to receive  
17 more than one call on their cell phone “within any 12-month period by or on  
18 behalf of the same entity.” *See* 47 U.S.C. §§ 227(c)(1), (c)(5); 47 C.F.R. §  
19 64.1200(c)(ii).  
20

21 54. The penalty for each call placed in violation of the TCPA’s  
22 restrictions on calling cell phone numbers registered on the National Do Not Call  
23 Registry is \$500 per call and up to \$1,500 per call if the violation is determined to  
24 be willful. *See* 47 U.S.C. §§ 227(c)(5).  
25

1           55. In addition, the TCPA allows the Court to enjoin Defendant's  
2 violations of the TCPA's regulations prohibiting calls to cell phone numbers  
3 registered on the National Do Not Call Registry. *See* 47 U.S.C. § 227(c)(5)(A).

4           56. Where Defendant placed calls to the residential phones of Plaintiff  
5 and the putative class members after their numbers were registered on the  
6 National Do Not Call Registry, Defendant violated the TCPA, including but not  
7 limited to, 47 U.S.C. § 227(c)(5) and the TCPA's corresponding regulations.  
8

9           57. Defendant knew or should have known that Plaintiff and the putative  
10 class members had their numbers registered on the Do Not Call Registry.  
11

12           58. Defendant did not obtain valid express written consent from the  
13 called parties.  
14

15           59. Plaintiff and putative class members are entitled to damages of  
16 \$500.00 per violation for each call and up to \$1,500.00 per violation if the Court  
17 finds that Defendant willfully violated the TCPA.  
18

19           WHEREFORE Plaintiff Kelly Pinn, individually and on behalf of all others  
20 similarly situated, requests the Court grant the following relief:

- 21           a. Enter an order against Defendant, pursuant to Federal  
22 Rule of Civil Procedure 23 *et seq.*, certifying this action  
23 as a class action and appointing Kelly Pinn as the class  
24 representative;  
25           b. Enter an order appointing Kimmel & Silverman as  
counsel for the class;

- 1 c. Enter judgment in favor of Plaintiff and the putative class  
2 for all damages available under the TCPA, including  
3 statutory damages of \$500 per violation, or up to \$1,500  
4 per violation if Defendant willfully violated section  
5 227(c)(5) of the TCPA;  
6  
7 d. Enter a judgment in favor of Plaintiff and the putative  
8 class that enjoins Defendant from violating the TCPA's  
9 regulations prohibiting Defendant from calling numbers  
10 registered on the National Do Not Call Registry;  
11  
12 e. Award Plaintiff and the class all expenses of this action,  
13 and requiring Defendant to pay the costs and expenses of  
14 class notice and administration; and  
15  
16 f. Award Plaintiff and the class members all reasonable  
17 costs of prosecuting the action, including court costs and  
18 investigation costs, deposition expenses, witness fees,  
19 and attorney's fees; and  
20  
21 g. Award Plaintiff and the class such further and other relief  
22 the Court deems just and appropriate.  
23  
24  
25

### **DEMAND FOR JURY TRIAL**

15 PLEASE TAKE NOTICE that Plaintiff, KELLY PINN, and all other  
16 similarly situated demand a jury trial in this case.  
17

18 Respectfully submitted,  
19

20 Dated: August 2, 2023.

By: /s/ Ryan L. McBride  
Ryan L. McBride, Esq.  
Attorneys for Plaintiff